

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE

FEDEQ DV004 LLC and FEDEQ DV005 LLC,

Plaintiffs,

vs.

CITY OF PORTLAND and JON JENNINGS,

Defendants.

Civil No. 19-00382-LEW

**DEFENDANT CITY OF PORTLAND'S OBJECTION  
TO PROPOSED AMENDED SCHEDULING ORDER**

Defendant City of Portland, by and through its undersigned counsel, hereby objects to the proposed Amended Scheduling Order and requests that the Court stay all deadlines set forth in the proposed Amended Scheduling Order until the Court rules on Defendant Jon Jennings' Motion to Dismiss, based on the following:

1. As the Court is aware, Mr. Jennings filed a Motion to Dismiss on October 8, 2019 seeking dismissal of all claims against him. (ECF No. 13).
2. The Court issued an Amended Scheduling Order<sup>1</sup> on October 9, 2019. (ECF No. 17).
3. Counsel for the City has conferred with counsel for the Plaintiffs and counsel for Mr. Jennings as to the City's objections to the proposed Amended Scheduling Order.
4. As the Court can glean from the pleadings, this case is likely to involve a considerable amount of discovery, all of which would be complicated unnecessarily by proceeding without knowing whether Mr. Jennings will be a party to this case.

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<sup>1</sup> The City believes the Court replaced an earlier proposed Scheduling Order on its own motion to correct the basis for the Court's subject matter jurisdiction.

5. Moreover, the number and allocation of interrogatories, admission requests, production requests, and depositions will all likely be affected by the Court's decision as to whether the claim against Mr. Jennings should be dismissed.

6. For these reasons, the City believes that the just, speedy, and inexpensive determination of this action can best be served by staying all deadlines in the proposed Amended Scheduling Order until the Court rules on the Motion to Dismiss.

7. The Plaintiffs have indicated, through counsel, that they do not agree with the City's objection to the proposed Amended Scheduling Order, nor do they consent to the proposed stay.

8. Mr. Jennings has indicated, through counsel, that he joins in the City's objection to the proposed Amended Scheduling Order and to the proposed stay.

WHEREFORE, the City hereby requests (with Mr. Jennings' agreement and joinder) that the Court stay all deadlines in the proposed Amended Scheduling Order until the Court has ruled on Mr. Jennings' Motion to Dismiss.

Dated at Portland, Maine this 30<sup>th</sup> day of October, 2019.

Attorneys for Defendant City of Portland  
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BY: /s/ John J. Wall, III  
John J. Wall, III

**CERTIFICATE OF SERVICE**

I hereby certify that on October 30, 2019, I electronically filed **Defendant City of Portland's Objection to Proposed Amended Scheduling Order** using the CM/ECF system, which will provide notice to me and the following counsel of record for the other parties: aeconomy@rudmanwinchell.com; pvenne@federatedcompanies.com; rpierce@nhdlaw.com.

Dated at Portland, Maine this 30<sup>th</sup> day of October, 2019.

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